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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,885	07/07/2004	Kazuhiro Yamada	968.3/197	8676
7590 Brinks Hofer Gilson & Lione NBC Tower Suite 3600 P O Box 10395 Chicago, IL 60610			EXAMINER CALLAHAN, PAUL E	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 04/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/500,885

**Applicant(s)**

YAMADA ET AL.

**Examiner**

PAUL CALLAHAN

**Art Unit**

2137

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22, 24, 26, 29-33 and 36-42 is/are rejected.
- 7) ☒ Claim(s) 23, 25, 27, 28, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10-23-07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-21 were pending in the instant application at the time of the issuance of the previous Office Action, mailed October 5, 2007. Via the latest response from the Applicant, filed January 31, 2008, claims 1-21 are cancelled and new claims 22-42 are added. Therefore claims 22-42 are pending and have been examined.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-21 and 22-42 have been considered but are moot in view of the new ground(s) of rejection

### ***Specification***

3. Claim 40 is objected to because of the following informalities: Claim 40 is an improper multiple dependent claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22, 24, 26, 29-33, and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mas Ribes, European Patent Application EP 1 132 796 A1, and Lin et al., US 6,766,353

As for claim 22, Mas Ribes discloses a communication method (abstract) comprising: transmitting a security descriptive file from an administering server unit to a terminal unit [0020], [0021], [0025], [0034], the administering server unit being included in a communication system [0034], [0077], the communication system transmitting a file in response to a request [0033], the security descriptive file including authorization information [0034], [0035], the authorization information indicating an allowable range of an operation of the software [0056], the terminal unit executing the software within a range shown by the authorization information [0056]. Lin teaches the features of the claims that Mas Ribes fails to teach, namely: an application descriptive file including information dependent upon an entity file and information showing a stored location of the entity file (fig. 3 element 302: ADF, col. 3 lines 20-35), the entity file including software (col. 3 lines 30-35), obtaining, by the terminal unit, the application descriptive file from the communication system (col. 4 lines 20-35), the application descriptive file being separate from the security descriptive file (fig. 3 element 302: ADF, col. 4 lines 20-35); and obtaining, by the terminal unit, the entity file from the communication system by using the application descriptive file (col. 4 lines 20-35), the entity file being separate from the application descriptive file and the security descriptive file (col. 4 lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to incorporate this features into the system of Mas Ribes. It would have been obvious to do so since this would allow for the use of JAVA Standard application descriptor download protocols with the security certificate of Mas Ribes and thereby increase the utility of his system.

As for claim 24, Mas Ribes teaches the communication method according to Claim 22, wherein the entity file is obtained from said administering server unit [0061].

As for claim 26, Mas Ribes teaches the communication method according to Claim 22, wherein said authorization information shows restriction on use of a resource [0056].

As for claim 29, Mas Ribes teaches the communication method according to Claim 26, wherein the resource is a software resource inside the terminal unit [0056]

As for claim 30, Mas Ribes teaches the communication method according to Claim 26, wherein, the resource is a software resource outside the terminal unit that the terminal unit can use [0056].

As for claim 31, Mas Ribes teaches the communication method according to Claim 26, wherein the resource is a network resource which said terminal unit can use [0056].

As for claim 32, Mas Ribes teaches the communication method according to Claim 22, wherein the authorization information shows a type of use of a resource [0056].

As for claim 33, Mas Ribes teaches the communication method according to Claim 26, wherein, the resource is a software resource outside the terminal unit that the terminal unit can use [0056]. Lin teaches the features of the claim that Mas Ribes fails to teach, namely: wherein the application descriptive file is signed by a secret key (col. 3 lines 30-65), the secret key being given to an information provider providing the application (col. 3 lines 30-65), the security descriptive file includes a public key (col. 3 lines 30-65), the public key being provided by a certifying agent (col. 3 lines 30-65), and the terminal unit verifies authenticity of the application descriptive file by using the public key (col. 5 lines 5-15), and obtains the entity file from the communication system by using the application descriptive file only when authenticity is verified (col. 5 lines 5-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this features into the system of Mas Ribes. It would have been obvious to do so since this would allow for the use of standard public-private

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key security protocols the security certificate of Mas Ribes and thereby increase the utility of his system.

As for claim 36, Mas Ribes teaches the communication method according to Claim 22, wherein the application descriptive file is transmitted from the communication system only when the security descriptive file is stored in the administering server unit [0033], [0034], 0035], [0077].

As for claim 37, Mas Ribes teaches the communication method according to Claim 22, wherein the request including a stored location of the security descriptive file [0056].

As for claim 38, Mas Ribes teaches the communication method according to Claim 22, wherein the security descriptive file including first identification information, and the first identification information shows a storage location of the application descriptive file [0033].

As for claim 39, Lin teaches the features of the claim that Mas Ribes doesn't, namely: the communication method according to Claim 38, wherein the application

descriptive file is obtained by using the first identification information included in the security descriptive file transmitted from the communication system (col. 4 lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this features into the system of Mas Ribes. It would have been obvious to do so since this would allow for the use of JAVA Standard application descriptor download protocols with the security certificate of Mas Ribes and thereby increase the utility of his system.

As for claim 40, Lin teaches the features of the claim that Mas Ribes doesn't, namely: communication method according to any one of Claim 22 to Claim 39, wherein the terminal unit is a mobile unit (col. 2 lines 42-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Mas Ribes. It would have been obvious to do so since this would increase the number of computing platforms capable of implementing the system of Mas Ribes and thereby increase the utility of his system.

As for claims 41, this claim is directed towards the apparatus that carries out the method of claim 22. Claim 41 recites substantially the same limitations as claim 22 and is rejected on the same basis as that claim.



As for claim 42, Mas Ribes teaches the transmission system according to Claim 41, wherein a server unit functions as at least two of the software server unit, the file server unit, and the administering server unit [0033], [0034], [0035].

### ***Allowable Subject Matter***

6. Claims 23, 25, 27, 28, 34, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/  
April 11, 2008

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137